

S. D. AHUJA  
 S. CHAKRABORTY  
 S. R. GUPTA  
 K. M. RAO  
 R. BARMA  
 R. SIRCAR  
 A. K. CHATTERJEE  
 M. ISLAM  
 S. MUKHERJEE  
 I. S. BHATTACHARYA  
 S. GHOSH  
 S. K. GUE  
 S. MANI  
 V. J. SINGH  
 D. K. CHAUDHRY  
 S. CHOWDHURY  
 S. S. DATTA  
 M. MAHARAJ  
 V. HARAN  
 S. K. CHAUDHURI  
 S. JOSEPH  
 R. ROY  
 L. B. SINGH  
 M. K. BHATNAGAR

# D. P. AHUJA & CO.

PATENT & TRADEMARK ATTORNEYS

*Mailing Address*

53 Syed Amir Ali Avenue Calcutta 700 019 INDIA



CONFIRMATION

*Telephone*

91 (33) 22891195

91 (33) 22808059

*Telefax*

91 (33) 22891135

91 (33) 24757524

91 (33) 22819444

91 (33) 22819441

91 (33) 22485229

*Email*

patents@dpathuja.com

trademarks@dpathuja.com

info@dpathuja.com

*Website*

www.dpathuja.com

MAIL STOP PCT,  
 COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 OFFICE OF PCT LEGAL ADMINISTRATION  
 P.O. BOX.1450  
 ALEXANDRIA, VA 22313 - 1450  
 USA

2005 NOVEMBER 16  
 OUR REF : FPP3071.032.SRG

ATTN : BRYAN TUNG  
 PCT LEGAL EXAMINER  
 FAX : (571) 273 - 0459

TOTAL PAGES : 02 + 02

**MOST URGENT**

Dear Sir,

**RE : INTERNATIONAL (PCT)**  
**PATENT APPLICATION No.PCT/IN04/00068**  
**FILED ON MARCH 26, 2004**  
**IN THE NAME OF NANDAN SUNDER RAJAN**  
**FOR " ATTRIBUTE BASED COMMUNICATION"**  
**Priority : US Application No. 60/457,439 dated 26/03/2003**  
**and US Non-provisional Patent Application 10/809,063 dated 24/03/2004.**

RECEIVED

1 DEC 2005

Legal Staff  
 International Division

We refer to your letter dated 14<sup>th</sup> October 2005 giving a decision on our request for refund of International Search fee as paid for the above identified PCT application to the United States Patent and Trademark Office (USPTO) as the International Searching Authority.

In response to your said decision (copy enclosed for ready reference) we would like to make the following submission for and on behalf of the applicant for your kind consideration :

1. The above identified International(PCT) application was filed at the Calcutta Head Office of the Indian Patent Office on 26<sup>th</sup> March 2004. The application was not filed with the USPTO as the receiving office as wrongly mentioned in the "Background" of your communication though the USPTO was chosen by the applicant as the International Searching Authority.

**BRYAN TUNG**  
**UNITED STATES PATENT & TRADEMARK OFFICE**

**D.P.AHUJA & CO.**  
**CALCUTTA, INDIA**

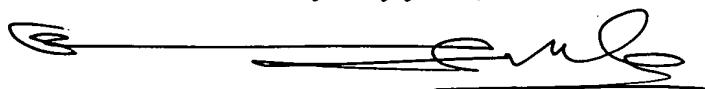
2. The PCT application claimed priority from two U.S. Applications namely US application no. 60/457,439 filed on 26<sup>th</sup> March 2003 and the second non-provisional US application filed on 24<sup>th</sup> March 2004 which was later allotted a U.S. Application no. 10/809,063. Both these applications were referred as related applications in the opening paragraph of the specification for the PCT application and also in the PCT Request. The applicant is accordingly entitled for a reduced International Search fee of US \$ 300.
3. International search fee of US\$ 1300 was paid for this application at the Indian Patent Office as the Receiving Office by mistake as against an International Search fee of US\$ 300 payable for this application. That is an excess of US\$ 1000.
4. There has been **an inordinate delay in establishment of International Search Report (ISR)**. The ISR has not been established as yet despite expiry of more than 31 months from the priority date of the application that has rendered Search Report useless to the applicant even if it is now made available.

In the above context, we request for reconsideration of the applicant's case for refund of the entire International Search fee of US\$ 300 as well as US \$ 1000 being the excess Search fee paid for this PCT application as refundable under 37 CFR 1.446(a). [ Total US \$ 300 + US\$ 1000 ]

The refund may please be made by Wire Transfer to Account No. 33105004857, Standard Chartered Bank Limited. SWIFT : SCBLINBB 19 Netaji Subhas Road, Calcutta 700 001, India.

**We thank you for your prompt action in the matter.**

Very truly yours,



**SEKHAR R. GUPTA**  
**(APPLICANT'S AGENT)**

Encl : Copy of your letter dated 14<sup>th</sup> October 2005.

---- by fax and mail.

PT/nlk/161105

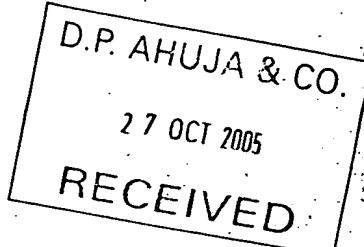


14 OCT 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Sudir Ahuja  
D.P. Ahuja & Co.  
53, Syed Amir Ali Avenue  
Calcutta - 700 019  
West Bengal  
INDIA



In re Application of RAJAN :  
PCT Application No.: PCT/IN04/00068 :  
Int. Filing Date: 26 March 2004 :  
Priority Date Claimed: 26 March 2003 :  
Attorney Docket No.: FPP3071 :  
For: ATTRIBUTE BASED COMMUNICATION :

**DECISION**

This is in response to the correspondence filed 16 September 2005, which is being treated as a request for refund under 37 CFR 1.446.

**BACKGROUND**

On 26 March 2004, applicant filed international application papers with the United States Receiving Office (RO/US). The submission was assigned the above-identified International Application Number and International Filing Date.

On 16 September 2005, applicant filed the present request for refund under 37 CFR 1.446.

**DISCUSSION**

Because none of the conditions set forth in PCT Rule 16.2 or 16.3 apply to the present application, a refund of the international search fee is not indicated. The application is being returned to the examining group for completion of the International Search Report.

**CONCLUSION**

For the reasons above, the request for refund under 37 CFR 1.446 is **DISMISSED** without prejudice.

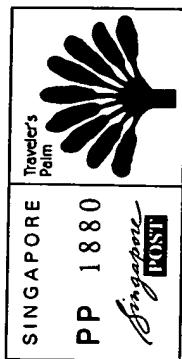
If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

*Bryan Tung*

Bryan Tung  
PCT Legal Examiner  
Office of PCT Legal Administration

Telephone: 571-272-3303  
Facsimile: 571-273-0459



IF UNDELIVERED, PLS RETURN TO:  
C/O TMF  
ORCHARD POST OFFICE  
P O BOX 51  
SINGAPORE 912302 AIR MAIL

ATTENTION: BRYAN TUNG  
PCT LEGAL EXAMINER  
**UNITED STATES PATENT AND TRADEMARK OFFICE**  
MAIL STOP PCT  
COMMISSIONER FOR PATENTS  
OFFICE OF PCT LEGAL ADMINISTRATION  
P.O. BOX 1450  
ALEXANDRIA  
VA 22313 - 1450  
LJ S #  
PHONE :  
FILE NO : FPP3071  
CODE : 0  
NLK



RECEIVED

1 DEC 2005

Legal Staff  
International Division

D.P. AHUJA & CO.



INITIAL PROCESSING  
NOV 30 2005